

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLIE BURLINGHAM,

Plaintiff,

v.

MICHAEL BROWN, *et al.*,

Defendants.

CASE NO. C20-0586-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' stipulated notice of dismissal of Plaintiff Kellie Burlingham's claims against the individual defendants¹ (Dkt. No. 37). Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a "plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." Here, the parties nevertheless request that the Court enter a proposed order filed with their stipulation.

The parties have stipulated to dismissing all claims against the individual defendants with prejudice, and the stipulation is signed by all parties who have appeared. (*See* Dkt. No. 37.) The Ninth Circuit has held that a "plaintiff may dismiss some or all of the defendants . . . through a

¹ Michael Brown, Ashley Elliott, Matthew Garner, Daniel Perrine, Aaron Scott, and Christopher Wyche.

1 Rule 41(a)(1) notice.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Thus, under
2 Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the stipulation is self-executing. All claims
3 against the individual defendants are DISMISSED with prejudice and without costs to any party,
4 with each party to bear its own attorney fees and other litigation expenses.

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6 DATED this 11th day of February 2021.

7 William M. McCool
8 Clerk of Court

9 s/Paula McNabb
10 Deputy Clerk
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